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AD HOC COMMITTEE ON THE
ESTABLISHMENT OF AN
INTERNATIONAL CRIMINAL COURT
3-13 April 1995

PROCEEDINGS OF THE AD HOC COMMITTEE DURING THE PERIOD 3-13 APRIL 1995

Draft summary

Rapporteur: Ms. Kuniko SAEKI (Japan)

I. INTRODUCTION

1. The Ad Hoc Committee on the Establishment of an International Criminal Court met at United Nations Headquarters from 3 to 13 April 1995, in accordance with General Assembly resolution 49/53 of 9 December 1994.

2. Under paragraph 2 of that resolution, the Ad Hoc Committee was open to all States Members of the United Nations or members of the specialized agencies. 1/

3. The session was opened by Mr. Hans Corell, Under-Secretary-General, the Legal Counsel, who represented the Secretary-General and made an introductory statement.

4. Ms. Jacqueline Dauchy, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary of the Ad Hoc Committee; Mr. Andronico O. Adede, Deputy Director (Codification Division, Office of Legal Affairs), acted as Deputy Secretary; Ms. Mahnoush Arsanjani and Ms. Sachiko Kuwabara-Yamamoto, Senior Legal Officers, Ms. Virginia Morris, Legal Officer and Ms. Darlene Presscott, Associate Legal Officer (Codification Division, Office of Legal Affairs), acted as assistant secretaries.

5. At its 1st meeting, on 3 April 1995, the Ad Hoc Committee elected its Bureau, as follows:

Chairman: Mr. Adriaan Bos (Netherlands)

Vice-Chairmen: Mr. Cherif Bassiouni (Egypt)
Mrs. Silvia A. Fernandez de Gurmendi (Argentina)
Mr. Marek Madej (Poland)

Rapporteur: Ms. Kuniko Saeki (Japan)

6. Also at its 1st meeting, the Ad Hoc Committee adopted the following agenda (A/AC.244/L.1):

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Review of the major substantive and administrative issues arising out of the draft statute for an international criminal court prepared by the International Law Commission and consideration, in the light of that review, of arrangements for the convening of an international conference of plenipotentiaries.

6. Adoption of the report.

7. The Ad Hoc Committee had before it, in addition to the draft statute adopted by the International Law Commission at its forty-sixth session, 2/ the relevant chapter of the topical summary of the discussion held in the Sixth Committee of the General Assembly during its forty-ninth session (A/CN.4/464/Add.1), the comments received pursuant to paragraph 4 of General Assembly resolution 49/53 on the establishment of an international criminal court (A/AC.244/1 and Add.1-3) 3/ and a report submitted by the Secretary-General pursuant to paragraph 5 of that resolution, on provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court (A/AC.244/L.2).

8. The Ad Hoc Committee proceeded in three stages. In a first stage, it conducted a review of the major substantive and administrative issues arising out of the draft statute before it on the basis of the tentative list reproduced in annex I to the present report. An account of this phase of the proceedings is to be found in section II below.

9. In a second stage (10-11 April 1995), the Committee had before it three informal papers prepared by the Bureau, namely, an informal summary of discussions on the organizational issues, an informal paper on the relationship between the court and the United Nations, and an informal document on ratione materiae jurisdiction, as well as a fourth informal paper prepared by an open-ended group of experts chaired by Mr. Gerhard Hafner (Austria) on methods of proceedings. Those informal papers were examined in the framework of

informal meetings of the Ad Hoc Committee. An account of this phase of the proceedings is to be found in section III below.

10. In a third stage (12 April 1995), the Ad Hoc Committee discussed its further work, in the light of the option open to it under paragraph 3 of General Assembly resolution 49/53 to resume its work for a two-week period in August 1995. An account of this phase of the proceedings is to be found in section IV below.

Notes

1/ For the membership of the Ad Hoc Committee at its first session, see A/AC.244/INF/1.

2/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), chap. II.B.I; A/49/355.

3/ Comments were received from: Azerbaijan, Belarus, China, Cyprus, Czech Republic, France, Libyan Arab Jamahiriya, Singapore, Sudan, Sweden, Switzerland, United States of America and Venezuela, as well as from the Crime Prevention and Criminal Justice branch and the United Nations International Drug Control Programme and from the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.